IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26970 of 2005

Between:

Smt.P.Ananthamma

..... PETITIONER

AND

The Joint Collector (FAC), Krishna,

Machilipatnam and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the order of the 1st respondent issued in proceedings Rc.B1/SRA/28/2005, dated 07.12.2005, vacating the stay, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer of Kudapa village, Reddigudem Mandal of Krishna District. As against the cancellation order of the fair price shop dealership of the petitioner dated 24.10.2005, passed by the 2nd respondent, the petitioner filed an appeal before the 1st respondent and the 1st respondent, by order dated 18.11.2005, granted stay of the operation of the cancellation order dated 24.10.2005. It is stated that when the appeal is pending, without giving any notice and without giving any reasonable opportunity to the petitioner, the stay order dated 18.11.2005 has been vacated by the

1st respondent, by the impugned order dated 07.12.2005, on a oral representation made by the cardholders attached to the fair price shop of the petitioner.

Having granted stay after hearing the petitioner, by considering the appeal as well as the stay application, I am of the opinion that when the appeal itself is pending, vacating the stay granted earlier, without hearing the petitioner, is illegal and arbitrary and against the principles of natural justice. Therefore, the impugned order dated 07.12.2005 is set aside and stay, granted by the 1st respondent on 18.11.2005, shall continue, pending disposal of the appeal, and the 1st respondent may dispose of the appeal itself, in accordance with law, after giving a reasonable opportunity to the petitioner.

With the above observations, the Writ Petition is allowed. No order as to costs.

V.ESWARAIAH,J

Dated: 19.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr